



PATENT  
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Moya Kinnealey  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Robert Horvitz et al

Art Unit: 1642

Serial No.: 09/087,136

Examiner: K. Canella

Filed: May 28, 1998

Customer No.: 21559

Title: NUCLEIC ACIDS ENCODING LIN-37 AND USES THEREOF

Assistant Commissioner For Patents  
Washington, D.C. 20231

DECLARATION OF DRS. H. ROBERT HORVITZ, CRAIG CEOL,  
AND XIAOWEI LU, PH.D.

I declare:

1. I am an inventor of the subject matter described and claimed in the above-captioned patent application.

2. The abstract publication entitled "Molecular Analyses of the Class B Synthetic Multivulva Genes" by Xiaowei Lu, Jeff H. Thomas, and Bob Horvitz (*C. elegans* Meeting, June 1997) was made available to the public not more than one year before the May 28, 1997 filing date of applicants' priority application, U.S. Serial No. 60/047,996, which supports the present claims.

3. The experiments described in the Lu et al. abstract publication that relate to the invention were the joint contributions of the instant inventors alone, notwithstanding the inclusion of an additional author on the publication. The Lu et al. abstract discloses the cloning of three Class B synMuv genes, *lin-37*, *lin-35*, and *lin-53*. The claimed invention is to nucleic acids encoding a LIN-37 polypeptide. Publication authors Xiaowei Lu and Bob Horvitz contributed toward the cloning and characterization of *lin-37*, and are named as inventors of the above-captioned application. The other named author, Jeff H. Thomas, contributed to worked involving *lin-53*, but did not contribute to the cloning and characterization of *lin-37*, as claimed in the present application. Thus Jeff Thomas's contribution to the publication of Lu et al. concerned subject matter which is not claimed in the present application.

4. All statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: \_\_\_\_\_

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H. Robert Horvitz, Ph.D.

Date: \_\_\_\_\_

\_\_\_\_\_  
Craig Ceol, Ph.D.

Date: \_\_\_\_\_

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Xiaowei Lu, Ph.D.



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